

Serial No.: 10/628,320

Response to Office Action mailed January 11, 2006

REMARKS

The Office Action of January 11, 2006 has been carefully reviewed and these remarks are responsive thereto.

Claims 1-20 are pending. Claims 19 and 20 were rejected under 35 U.S.C. 102(e) as being anticipated by Schantz. Claims 1, 3, 4 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Isham in view of Runciman/Rios. Claims 2, 5 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Isham in view of Runciman/Rios and Lansdale. Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bond in view of Moran. Claims 9-11 and 14-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Katschnig in view of Grunert. Claims 12, 13, 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Katschnig in view of Grunert and further in view of Bull.

Rejection under 35 U.S.C. § 102(e) – Schantz

Claims 19 and 20 were rejected as being anticipated by Schantz under 35 U.S.C. § 102(e). In response, claim 19 has been amended to recite the “dispenser comprising a human/machine interface for controlling a pressure responsive valve.” Schantz does not teach or suggest a dispenser including a human/machine interface for controlling the valve and therefore cannot be said to anticipate claim 19. Accordingly, for at least this reason, withdrawal of this ground of rejection is respectfully requested.

Rejection under 35 U.S.C. § 103(a) – Isham & Runciman/Rios & Lansdale

Claims 1, 3, 4, and 7 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Isham in view of Runciman or Rios. Claims 2, 5 and 6 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Isham in view of either Runciman or Rios in further view of Lansdale.

In response, independent claim 1 has been amended to recite, in combination with the other recited features, “a sensor for detecting the amount of material dispensed into the receiving container and for communicating with the human/machine interface” and independent claim 7 has been amended to recite, among other things, “a pressure responsive valve,” and “a sensor to detect the amount of material directed to the receiving container; weighing the material dispensed in the receiving container; and dispensing relatively small amounts of material into the receiving container until a target weight has been reached.” In view of these amendments, it is respectfully submitted that Runciman, Rios or Lansdale, alone or in combination, do not teach the recited combination of features of claims 1 and 7 as

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the newly added features, in combination with the other features, are not found in any of these references. All claims depending from claims 1 and 7 are allowable for the same reasons and for the additional limitations recited in those claims. Accordingly, for at least the above reasons withdrawal of this ground of rejection is requested.

Rejection under 35 U.S.C § 103(a) – Bond & Moran

The Office Action rejected claim 8 as being unpatentable under 35 U.S.C. § 103(a) over Bond in view of Moran.

In response, claim 8 has been amended to depend ultimately from independent claim 1, which for the reasons stated above is allowable over Bond and Moran. Consequently, claim 8 is allowable for the same reasons. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Rejection under 35 U.S.C § 103(a) – Katschnig & Grunert & Bull

The Office Action rejected claims 9-11 and 14-16 as being unpatentable under 35 U.S.C. 103(a) over Katschnig in view of Grunert, and rejected claims 12, 13, 17 and 18 as being unpatentable over Katschnig in view of Grunert and further in view of Bull.

In response, independent claims 9 and 14 have been amended to recite, in combination with the other features recited in those claims, either a sensor or scale that communicates "with a human/machine interface which further controls additional amount of material to be dispensed through the valve." It is respectfully submitted that neither Katschnig, Grunert or Bull teach this feature in combination with the other features.

Initially, it is respectfully submitted that a person of ordinary skill in the art would not have any motivation to combine Katschnig with Grunert, because Katschnig is directed to a microwave apparatus for heating, drying or sterilizing materials, while Grunert is directed to a quiet flow control valve. The references are directed to devices wholly unrelated to each other and thus one of skill in the art would not look to combine these references. Accordingly, as there is no proper motivation to combine the two references, there is insufficient support for a *prima facie* obviousness rejection.

Notwithstanding, neither Katschnig or Grunert teach a pressure responsive valve that opens rollingly to regulate the amount of material dispensed by the dispenser. The valve of Grunert functions to dampen noise from the fluid that travels through the valve and does not control the amount of fluid.

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Moreover, neither Katschnig or Grunert teach the sensor or scale that communicates with a human/machine interface, which further controls the additional amount of material that passes through the pressure responsive valve. As pointed in the specification beginning at page 22, this arrangement and type of control permits the accurate dispensing of material into a receiving container in that the dispensed material is detected by the sensor or the scale, or both, and that if a target amount or weight has not been reached, the sensor or scale, or both, will communicate with the human/machine interface which in turn controls small amounts of material to be dispensed until this target amount or weight is obtained. Katschnig and Grunert are silent as to this type of control over the dispensing of material. Consequently, Katschnig and Grunert cannot render obvious amended claims 9 and 4. All claims depending from claims 9 and 14 are allowable for the same reasons and for the additional limitations recited in those claims. Accordingly, for these reasons, withdrawal of this ground of rejection is respectfully requested.

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections and objections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

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